



Entered on Docket
September 09, 2008

A handwritten signature in black ink, reading "Bruce A. Markell", is positioned above the judge's name.

Hon. Bruce A. Markell
United States Bankruptcy Judge

Fennemore Craig, P.C.
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Counsel for Timothy S. Cory, Chapter 11
Trustee

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re
HDB, LLC,

Debtor.

Chapter 11
No. BK-S-08-10685-BAM

Date: September 9, 2008
Time: 9:30 a.m.

**ORDER GRANTING MOTION FOR AUTHORITY TO OBTAIN CREDIT
ON A SUPERPRIORITY ADMINISTRATIVE BASIS
PURSUANT TO 11 U.S.C. § 364(c)(1)**

1 The Motion for Authority to Obtain Credit on a Superpriority Administrative Basis
 2 Pursuant to 11 U.S.C. § 364(c)(1) (“Motion”) [Dkt. 431] came on regularly for hearing with
 3 appearances noted on the record of proceedings. After considering the moving papers,
 4 representations and argument of counsel, the Court announced its findings of fact and conclusions
 5 of law on the record, which statements on the record shall constitute the Court’s findings of fact
 6 and conclusions of law under Fed.R.Civ.P. 52 as made applicable by Fed.R.Bankr.P. 7052 and
 7 9014. Any finding of fact shall constitute a finding of fact, even if it is stated as a conclusion of
 8 law. Any conclusion of law shall constitute a conclusion of law, even if it is stated as a finding of
 9 fact.

10 **IT IS HEREBY ORDERED AS FOLLOWS:**

- 11 1. The Motion is approved on a final basis.
- 12 2. Pursuant to 11 U.S.C. § 364(c)(1) and Fed.R.Bankr.P. 2002, 4001(c) and 9014, the
 13 Trustee is authorized to borrow from and incur superpriority administrative debt from the Bank
 14 Group¹ in an amount not to exceed Two Hundred Fifty Thousand (\$250,000) Dollars (the
 15 “Loan”), based upon the terms and conditions more particularly set forth in the Motion.
- 16 3. The Trustee is authorized to:
 - 17 (a) Enter into the Loan on a final basis;
 - 18 (b) Sign all documents and take all actions necessary to enter into and satisfy
 19 the requirements and conditions of the Loan; and
 - 20 (c) Grant the Loan superpriority administrative expense priority on a final
 21 basis.

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26 ¹ All terms are used as defined in the Motion.

1 4. The ten-day stay of execution of this Order pursuant to Fed.R.Bankr.P. 7062(a) is
2 dispensed with and waived, and this Order shall be effective and enforceable immediately upon
3 entry on the docket.

4 IT IS SO ORDERED.

5
6 SUBMITTED BY:

7 FENNEMORE CRAIG, P.C.

8 /s/ Laurel E. Davis

9 By: _____
10 Laurel E. Davis

11 Counsel for Timothy S. Cory,
12 Chapter 11 Trustee

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LR 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies as follows:

☒ The Court waived the requirement of approval under LR 9021.

☐ Counsel waived the requirement of approval under LR 9021 on the record at the time of the hearing.

☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.

☐ A copy of this proposed order was delivered to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below: (list each party and whether the party has approved or failed to respond to the document).